

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TERRENCE DERYL BROWNE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 10-1361
)	Chief Judge Lancaster
)	Magistrate Judge Bissoon
SUPERINTENDANT LOUIS FOLINO, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Terrence Deryl Browne (“Plaintiff”) is a state prisoner who is incarcerated at the State Correctional Institution at Greene (“SCI-Greene”), in Waynesburg, Pennsylvania. Plaintiff brings the instant lawsuit pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983, *et seq.*, alleging violations of the Eighth and Fourteenth¹ Amendments to the Constitution of the United States by the above-named Defendants. Compl. (Doc. 3) at 2. This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On September 9, 2011, the magistrate judge issued a report and recommendation (Doc. 24), recommending that the motion to dismiss filed by Defendants Jin and Lukas (Doc. 19) be granted. The magistrate judge further recommended that Plaintiff’s motion to dismiss Defendant Folino (Doc. 23) be granted, and Defendant Folino’s motion to dismiss (Doc. 15) be denied as

¹ Plaintiff makes no factual allegations in support of his legal conclusion that his rights under the Fourteenth Amendment were violated. Thus, this claim will be dismissed. See Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

moot. A copy of the report was mailed to Plaintiff at his address of record, and the parties were allowed until September 23, 2011, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 24), the following ORDER is entered:

AND NOW, this 29 day of Sept, 2011,

IT IS HEREBY ORDERED that motion to dismiss (Doc. 19) filed by Defendants Jin and Lukas is GRANTED, with prejudice.

IT IS FURTHER ORDERED that Plaintiff's motion to dismiss Defendant Folino (Doc. 23) is GRANTED insofar as Plaintiff seeks to dismiss Defendant Folino from this case, and DENIED in all other respects.

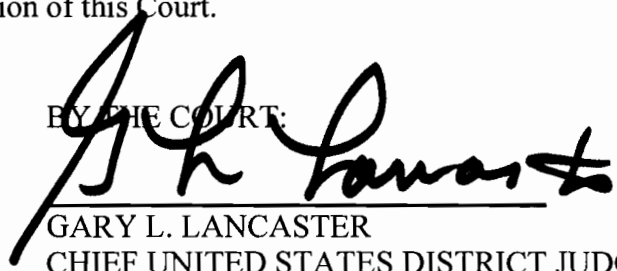
IT IS FURTHER ORDERED that Plaintiff's retaliation claims, to the extent that he makes them, are DISMISSED, with prejudice.

IT IS FURTHER ORDERED that Plaintiff's Fourteenth Amendment claims are DISMISSED, with prejudice.

IT IS FURTHER ORDERED that Defendant Folino's motion to dismiss (Doc. 15) is DENIED as moot.

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Bissoon (Doc. 24), is adopted as the opinion of this Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gary L. Lancaster", is written over a horizontal line.

GARY L. LANCASTER
CHIEF UNITED STATES DISTRICT JUDGE

cc: **TERRENCE DERYL BROWNE**
DC2474
175 Progress Dr.
Waynesburg, PA 15370